

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

UNITED STATES,

Plaintiff,

vs.

JOSEPH ANTHONY TURREY,  
Defendant.

No. CR21-5385 BHS

DEFENDANT’S TRIAL BRIEF

**I. INTRODUCTION**

The Government’s many serious counts against Mr. Turrey rest upon vague accusations by unreliable and troubled young adult witnesses. Events these witnesses allege to have occurred many years ago, were first disclosed and reported to law enforcement in September 2021. These claims are uncorroborated by any witness. No physical evidence exists. No documentary evidence exists.

Although the Government makes much of a prior, close-in-time statement by M.T. about the Defendant touching her in 2012, there is no evidence that the detail provided recently correlates to what M.T. said at the time to her mother, Brenda Turrey. The Government has provided no evidence to show what, exactly, the Defendant apologized for, in connection with M. T’s statement. We do know

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1 Brenda Turrey and her daughter did not make any sort of report. No counseling or  
2 any sort of intervention was ever sought.

3 Much of the Government's case is expected to focus on explaining the lack of  
4 evidence of these claims.

## 5 6 **II. TRIAL MATTERS**

### 7 A. Estimated Length of Trial and Defense Witnesses.

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9 Defense expects its case will last approximately two trial days and expects to  
10 call 5 witnesses, excluding the Defendant. Defense does not intend to elicit  
11 character testimony. Defense witnesses with personal knowledge of regular  
12 interactions between the Defendant and Government witnesses may rebut claims  
13 these witnesses were fearful of Defendant or anxious in his presence.

### 14 B. Defense Exhibits

15 Defense expects to make use of Government exhibits. In addition, defense  
16 has/will separately file an Exhibit List. Defense exhibits are mainly documents.

### 17 C. The Parties' Stipulations

18 The parties have conferred. Defendant stipulates to both the land status of the  
19 alleged locations of alleged assaults, and to Defendant's Indian status.

### 20 D. Jury Selection

21 Defense agrees, a larger than usual jury pool may be necessary due to the  
22 nature of this case. Defense will confer with the Government and submit the  
23 proposed questionnaire prior to the pre-trial conference.

## 24 **III. EVIDENTIARY ISSUES**

### 25 A. Jurisdiction and Indian Status

26 The parties' so stipulate.  
27  
28

1           B. Audio and Recorded Interviews

2           As addressed in Defendant's Motions *in Limine*, consistency of prior statements  
3 must be demonstrated for admissibility under ER 801(d)(1)B). Defense disagrees  
4 with the government's contention that an assertion by defense that prior statements  
5 were the product of suggestive questioning by family members or forensic  
6 interviews makes prior statements relevant and/or admissible. The government  
7 provides no authority in that regard.

8           C. Expert Testimony

9           The government's proposed testimony by a Licensed Social Worker about  
10 various, general reasons victims of sexual assault may not report or disclose for  
11 many years is helpful to the jury as possible reasons for delayed disclosure is not a  
12 subject beyond the ken of the average juror. ER 702 requires a showing expert  
13 testimony is helpful to the juror's understanding of a matter beyond common  
14 knowledge.

15           The government's proposed testimony by a Pediatric Nurse Practitioner to  
16 explain that sexual assault may not result in physical evidence is irrelevant because  
17 no evidence exists to suggest any of these alleged witnesses ever sought or was  
18 provided a Sexual Assault Nurse's Exam. Thus, such testimony is irrelevant,  
19 prejudicial and a waste of time. ER 401, 402, 403.

20           Licensed Clinical Psychologist Steve Adelman's information about these  
21 victims is based entirely upon self-report. The fact of counseling does not have any  
22 tendency to make any fact at issue in this case more or less true. It is irrelevant and  
23 should be excluded pursuant to ER 401, 402, 403.

24           D. Credibility of government witnesses

25           Defense agrees, ER 608 precludes extrinsic evidence of specific instances of  
26 conduct. However, credibility is always an issue. Specific instances of conduct  
27 may become admissible for purposes of impeachment.  
28

1 E. Hearsay

2 Defense expects hearsay issues may arise. The parties should be required to  
3 state the rule without argument, in the presence of the jury.

4 F. Charts and Summaries

5 Defense may seek to introduce substantive and demonstrative exhibits,  
6 including charts and summaries.

7  
8 **IV. RECIPROCAL DISCOVERY**

9 The parties have exchanged discovery and conferred. It appears the government  
10 may object to defense witness testimony relating to observations about government  
11 witnesses' demeanor and interactions with the Defendant, on the basis the  
12 testimony was not previously disclosed. However, Declarations provided in  
13 Support of Defendant's release outline anticipated witness testimony.

14  
15 DATED this 7th day of January 2023

16 **ST. MARIE LAW, PLLC**

17 s/ Julian E. St. Marie

18 JULIAN E. ST. MARIE, WSBA No. 27268  
19 Attorney for Defendant  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant and the Government.

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